

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12626, of Arthur and K.L. Auerbach, pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.415 to permit use of the property as the office of a non-profit organization, for special exceptions under Sub-section 7205.3 to provide accessory off-street parking on the subject site within three feet of a side lot line and a main building and to provide additional parking within 800 feet of the subject site at premises 1612-14 Que Street, N.W., (Square 180, Lots 33-35) and for a variance from Sub-section 7206.4 to permit the provision of one parking space without direct access through a street or alley on the subject site, all in the R-5-C District at the premises 1623 16th Street, N.W., (Square 193, Lot 145).

HEARING DATE: June 21, 1978
DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The property which is the subject of this application, known as the Werlich Mansion is located in an R-5-C District on the northeast corner of 16th and Corcoran Streets, N.W.
2. Across Corcoran Street from this site is the Church of the Holy City. Immediately north of the Werlich Mansion is a five story apartment building. The remainder of the block up to R Street, N.W., contains two additional small apartment buildings and a number of row dwellings. Across 16th Street from this site are three large apartment buildings and the Indo-Chinese Center.
3. Residential uses predominate in this square. The predominant housing type consists of row dwellings, the majority of which are three and four stories in height. Nearly all the dwellings in this square are maintained in excellent condition. The dwellings which front on Corcoran and 15th Streets, N.W., are generally smaller and lower than those which are located on 16th Street and R Street N.W. In addition to row dwellings there are a number of small apartment buildings at various locations throughout the Square.

4. This area of the city is characterized by a variety of building types and uses. A number of chanceries, embassies, foreign missions and office uses coexist with row dwellings and small and large apartment buildings. The area has a substantial number of structures of architectural and historical merit.

5. The R-5-C District in which this property is located extends generally from "Q" Street on the south, northward along 16th Street to Spring Road adjacent to Piney Branch Parkway. South of "Q" is an SP District. R-5-B Districts are found to the east and to the west of 16th Street, N.W. Between 14th and 15th Streets, N.W., C-M-3 zoning is found and R-5-D zoning is mapped between 17th and 18th Streets west of the site and along Rhode Island Avenue some two blocks south of the property. A small C-2-A District is found along 17th Street between P and R Streets, N.W.

6. The subject property has a total land area of approximately 5500 square feet and is improved with the historic Werlich Mansion which contains approximately 11,059 square feet of gross floor area. It is a three story brownstone building, that was constructed in 1886. It was designed, built and utilized as a single family residence except for the time that it has been recently vacant.

7. Although no tenant has been located for this property, the applicant has testified that the property shall be used solely for the offices of a duly registered non-profit organization should this application be granted.

8. This property, the Werlich Mansion, is listed on the District of Columbia Inventory of Historic Sites and is located within the boundaries of the Sixteenth Street Historic District.

9. No major exterior modifications will be made to the structure. The interior will be renovated.

10. No articles will be created, sold or exchanged on the premises.

11. The applicant has testified that two parking spaces can be provided on this site. Because this structure is not included in one of the categories of structures in Section 7202, the required number of parking spaces would be calculated on the basis of the requirements of the C-M-1 District which requires one parking space per 2400 square feet. A total of five spaces would be required. The applicant has indicated that five additional spaces will be contracted from a commercial parking lot 1612-1614 "Q" Street, N.W., for use by the tenants of this building.

12. Public transportation facilities in this area are excellent. There are numerous Metrobus routes along 16th Street and the Dupont Circle Metro Station is located at 19th and Q Streets, N.W., approximately four blocks west of this site.

13. The applicant, while not presenting an actual tenant before the Board, proposed the following conditions for the granting of the present application:

- a. Maximum of twenty-five employees.
- b. Hours of operation: 9:a.m. - 5:30 p.m. Monday through Friday.
- c. The eventual tenant will submit an affidavit of compliance to the Zoning Administrator.
- d. Provision of seven parking spaces; two on-site, and five within 800 feet of the subject premises at a lot located at 1612-14 Q Street, N.W.
- e. Termination of the Board's permission to conduct such non-profit organization office use on the subject premises at such time as accessory off-street parking spaces are not available.

14. The Werlich Mansion has a lot occupancy of approximately eighty-six per cent which effectively precludes the provision of required parking spaces on the subject site. This large structure extends from lot line to lot line, from its 16th Street frontage to the east where it is abutted by an alley, and provides only a seven foot side yard to the north. The applicant intends to provide two on-site spaces but their dimensions are seven by nineteen and therefore, do not qualify as required spaces.

15. The five accessory spaces to be located at premises 1612-14 Q Street will be nine by nineteen feet in size and therefore, qualify as required spaces.

16. The proposed accessory parking is located approximately 640' feet from all lot lines of the lot upon which the structure to be served is located and is approximately 720 feet away in walking distance.

17. The proposed accessory off-site spaces are located in a lot recently approved by the Board on February 28, 1977 in Order No. 12267 for a period of five years. The requested on-site spaces are located directly off a public alley and are effectively screened from view from surrounding properties.

18. The large lot occupancy of the subject historic structure precludes the provision of two on-site spaces with direct access to either a street or alley.

19. The Municipal Planning Office, by report dated April 14, 1978, recommended that the application be approved conditionally. MPO noted that the use of the subject structure for the offices of a non-profit organization is appropriate. The Sixteenth Street Historic District is a Category II Landmark wherein preservation and restoration should be encouraged. This application in MPO's opinion, fulfills the requirements of Paragraph 3101.415 regarding historic designation, size, and use. Because the structure covers nearly the entire lot, providing parking spaces will be extremely difficult. The desirability of preserving and maintaining the Werlich Mansion, which is a historic landmark, is clearly in the best interests of the neighborhood and the city as well. The MPO recommended that this application be granted on condition that a minimum of two parking spaces be provided on site and an additional five parking spaces be secured in the neighborhood for the occupants of the building. The Board so finds.

20. Testimony in support of the application was offered by a former resident of the historic structure and a representative of the Midway Civic Association, who also submitted a petition signed by fourteen neighborhood residents, on the basis that the proposed office use by a non-profit organization would have no adverse impact on the neighborhood and that it was the best means of preserving the historic structure. The Board so finds.

21. A local resident testified in opposition on the bases that the vicinity is of residential character, experiences a parking problem, and there is a demand for residential housing in the area. There was also a letter of record in opposition to the application on similar grounds.

22. A representative of Advisory Neighborhood Commission 2B and the Dupont Circle Citizens Association testified in opposition to the application on the grounds that the area of the subject site is predominantly residential and a housing shortage exists in the area, the historic site is presently a residential use and is easily converted to such use, commercial profits are sought by the applicant, the on-site parking is not of legal size, and there is no assurance that required parking will be provided.

23. The Board is obliged to give "great weight" to the issues and concerns of the ANC. In addressing the issues and concerns, which are also common to the Dupont Circle Citizens Association and the aforementioned local resident, the Board finds:

- a. The area around the subject site is already a mixture of uses. Furthermore, the use of this property for non-profit organization offices will not materially affect the housing stock as it was previously used as a single-family residence.
- b. The alternative residential uses, the conversion of the Mansion to apartments or the razing of the structure and the erection of an apartment house, would more noticeably impact the neighborhood than restricted non-profit organization office use of the site and could necessitate exterior alterations to the historic structure. As stated by the architect of the applicant, the proposed use will entail only minor interior alterations to the historic structure.
- c. The testimony of the applicant's architect established that conversion to residential use would have a high cost.
- d. The allegation of the opposition that applicant is seeking commercial profits is irrelevant to this proceeding. Furthermore, the applicant testified at the hearing that current rental for residential purposes was resulting in an economic loss. This testimony was unrefuted.

- e. The on-site parking spaces are permitted spaces not required and therefore, are not required to be nine by nineteen feet in size.
- f. Required parking will be provided pursuant to conditions imposed by this Order.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant has met the standards set forth in Paragraph 3101.415 of the Zoning Regulations in that the property is listed on the District of Columbia Inventory of Historic sites, exceeds the minimum gross floor area and will be used by a non-profit organization in a manner that would not adversely effect the use of neighboring properties. The number and arrangement of parking spaces appear adequate for the use and there is not expected to be a significant traffic impact on the adjacent neighborhood. Such proposed use does not involve the creation, exchange or sales of commercial goods. No major modifications or additions are proposed to the exterior of the site and changes contemplated will be interior in nature and will not have an adverse effect on neighboring properties.

The Board concludes that the unusual size and dimensions of the structure preclude the location of required parking on the same lot as the structure to be served. The dimensions of the site and structure located on the site make it physically impossible to provide parking spaces on the site without a modification to the subject structure. The Board concludes that the applicant has obtained parking at the closest practicable location to the subject site in an area of the city which has little available public off-street parking. The requested on-site parking would be permitted parking of a preferred nature.

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that the subject site is affected by an extraordinary or exceptional situation or condition because of the non-conforming lot occupancy of the historic structure which precludes the provision of two parking spaces on-site without the granting of variance relief. The strict application of the Zoning Regulations in this case precludes the utilization of side yard space for parking purposes which is not otherwise usable

The Board concludes that the application can be granted without substantial detriment to the public good and without comparing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:


1. Office use of the property shall be limited to offices of non-profit organizations as that term is defined in the Zoning Regulations.
2. There shall be a maximum of twenty-five employees located in the building.
3. The hours of operation shall be from 9:00 a.m. to 5:00 p.m., Monday through Friday.
4. The tenants of the building shall submit to the Chief of the Zoning Regulations Division, Department of Housing and Community Development an affidavit demonstrating their compliance with the above conditions.
5. Seven parking spaces shall be provided for the office use, including two on the site and five on Lots 33, 34 and 35 in Square 180, located at 1612-1614 Que Street.
6. Approval for the use shall expire on February 28, 1982, the same time as the Board approval for the parking lot at 1612-1614 Que Street which was granted for five years by BZA Order No. 12267 dated February 28, 1977.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh to GRANT, Walter B. Lewis to GRANT by proxy; Leonard L. McCants not present, not voting, Chloethiel Woodard Smith not voting, not having heard the application).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

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ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

12 SEP 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.